

IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Maria Rosibel Nolasco

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Plaintiff

*

v.

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Case No.: 1:17-cv-01407-LO-TCB

Huong Binh Foods, Inc., et al.

*

Defendants

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* * * * *

CONSENT MOTION FOR EXTENSION OF TIME

Defendants, Huong Binh Foods, Inc. and Mr. Quang Huu Lee (“Defendants”), with the gracious consent of the Plaintiff, request that the Court extend the time for the Defendants to file a response to the Plaintiffs’ Complaint, and for cause state as follows:

1. This case alleges overtime and minimum wage claims under the Federal Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, et. seq.

2. Undersigned Counsel was recently retained in mid-January 2018 and entered an appearance on January 20, 2018. Undersigned counsel further waived service of process pursuant to Fed.R.Civ.P. 4(d). Presently, the deadline to file a response to this lawsuit is February 12, 2018.

3. Counsel for both parties have conferred on numerous occasions and have reached a preliminary settlement. A draft settlement has now been circulated, and the parties expect to file with the Court a Joint Motion to Approve An FLSA Settlement (“Joint Motion”), together with a copy of the settlement agreement, no later than February 20, 2018. The Joint Motion will request that the Court approve the settlement and dismiss this case with prejudice.

4. Defendants would like to conserve resources and request that the Court allow the parties until February 20, 2018 to file the Joint Motion, and further excuse Defendants from formally answering or otherwise responding to the lawsuit. If the Court denies the Joint Motion, the Defendants will file an Answer or other response within three business days of the Court's Order. If the parties do not consummate their settlement, the Defendants will file their Answer or other response no later than February 20, 2018.

5. Plaintiff and her counsel do not object, and consent to this Motion.

WHEREFORE, Defendants request that the Court approve this Motion and extend the time for Defendants from filing an Answer or other response to this lawsuit as outlined herein.

Respectfully submitted,

/s/ Howard B. Hoffman

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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February, 2018, a copy of the foregoing Defendants' Motion for Extension of Time, along with all Exhibits and other attachments, was filed via with the Clerk of the Court for the U.S. District Court for the Eastern District of Virginia using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Nicholas Cooper Marritz, Esquire
Legal Aid Justice Center
6066 Leesburg Pike, Suite 520
Falls Church, Virginia 22041

/s/ Howard B. Hoffman
Howard B. Hoffman, Esq.